



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
201 NORTH THIRD AVENUE
WALLA WALLA, WASHINGTON 99362-1876

REGIONAL PERMIT NUMBER 27
PEND OREILLE LAKE
IDAHO

Effective Date: April 15, 1997 Expiration Date: April 15, 2002

The Walla Walla District of the U. S. Army Corps of Engineers authorizes work in Pend Oreille Lake as described in this Regional Permit. Separate approval for these activities may be required from the State of Idaho Department of Lands.

I. AUTHORIZED ACTIVITIES

A. PIERS AND FLOATING DOCKS:

One pier or floating dock per private riparian property ownership is authorized under the following terms:

1. The facility is for non-commercial use.
2. The pier or floating dock shall extend no further than 55 feet waterward of the ordinary high water mark. (Further extensions may be allowed in shallow water areas, to a bottom elevation of 2058 feet (NGVD), but in no case shall the pier or dock extend more than 100 feet waterward of the ordinary high water mark).
3. Total deck area of the pier or floating dock, including the access ramp, shall not exceed 700 square feet.
4. Only open pile pier construction is authorized. Piling may be driven or set in excavated footings. No more than 10 cubic yards may be excavated for footings. Footings may be backfilled with native material, concrete, sand, gravel, grout or epoxy. All excavation and filling of footings must be done in the dry during low water conditions. All excess excavated material must be disposed of in an upland location in a manner which precludes it from reentering waters of the United States.
5. No other structures, such as living quarters, toilets, fueling facilities, or covered boat moorages shall be constructed or installed on any float or pier.
6. Floating docks shall be designed to contain flotation material under all conditions.

B. WATER WITHDRAWAL SYSTEMS

One water withdrawal system per riparian property ownership is authorized under the following terms:

1. The water withdrawal system is for non-commercial use.
2. The intake pipe is no greater than 4 inches in diameter.
3. Intake screens, with mesh size of 0.125 inches, shall be installed.
4. Water velocity through the intake screen shall be no greater than 0.5 feet per second.
5. Water withdrawal piping and pumps shall be anchored to the surface of the lake bed within 12 inches from the bottom or anchored to an existing pier or similar fixed structure.
6. The water withdrawal pipe may be buried to protect it from freezing. Excavation equipment may be operated only on dry land above the level of the lake at the time of work. In-water work shall be limited to the available reach of the excavation equipment being used but shall be no more than 20 feet waterward of the lake level at the time of construction. The excavated trench must be backfilled to the pre-construction contour.
7. In-water work must be done within the confines of appropriate sediment controls, such as silt curtains, installed in a manner which prohibits sediment and turbidity from escaping the work site. Sediment control measures must be maintained in place until turbidity has settled.

C. MARINE LAUNCHING RAILS

One marine launching rail per riparian property ownership is authorized under the following terms:

1. The marine launching rail must be for non-commercial use.
2. Marine launching rail systems shall be anchored to the surface of the bed of the waterway. Buried anchors are not permitted. Concrete plank ties, untreated wood ties, or metal I-beams are acceptable. If a boat launching ramp exists on the property, the marine launching rail system must be installed on the existing ramp surface.
3. Marine launching rail systems shall not extend more than 55 feet waterward of the ordinary high water mark.

D. MOORING PILES

A maximum of four mooring piles per riparian property ownership is authorized under the following terms:

1. Mooring piles must be for a non-commercial use.
2. Piles must be single and separate and not constructed so as to form a multi-piled dolphin.
3. Mooring piles shall not be installed more than 55 feet waterward of the ordinary high water mark.

E. PORTABLE BOAT LIFT STATIONS

A maximum of two portable boat lift stations per private riparian property ownership are authorized under the following terms:

1. Portable boat lift stations must be for non-commercial use.
2. Portable boat lift stations shall not be installed more than 55 feet waterward of the ordinary high water mark.
3. Portable boat lift stations shall be located adjacent to existing authorized floats and piers. They shall not extend waterward of the existing, authorized float or pier.
4. Canopies, if allowed by local regulations, must be part of the boat lift station and structurally independent of the adjacent float or pier.

II. GEOGRAPHICAL AREA OF COVERAGE

A. Navigable waters of the United States upstream from the Alberni Falls Dam, in Bonner and Kootenai Counties, Idaho. Navigable waters include all waters inundated by the summer pool elevation (2062.5 NGV Datum), including the Pend Oreille River, Pend Oreille Lake, and their tributaries. (AN ATTACHED DRAWING - SHOWS THE GEOGRAPHICAL AREA COVERED BY THIS REGIONAL PERMIT).

III. EXCLUSION AREAS

The following areas are excluded from coverage under this Regional Permit. A separate Department of the Army Permit is required for work in these areas.

- A. Clark Fork Delta, from the confluence of Lightning Creek with the Clark Fork River, west to the range line between Range 1E., and Range 2E.
- B. Denton Slough, located in Sections 7, 18 & 19, T.56N., R.2E.
- C. Pack River including the Pack River Flats, north of Trestle Creek on the east, and north of Sunnyside Sportsman Access (Hawkins Point) on the west.

D. Sagle Slough, south of the north section line of Section 11, T.56N., R2W.

E. Morton Slough, including the left bank (east shoreline) of the Pend Oreille River from the half section line of Section 16, T.56N., R.3W., south to the south section line of Sec. 21, T.56N., R.3W.

F. Cocolalla Slough/Creek, upstream from the Spokane International Railroad bridge across the slough.

IV. AUTHORITIES

This Regional Permit is issued under the following authorities:

A. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

B. Section 404 of the Clean Water Act (33 CFR 1344).

V. DEFINITIONS

The following definitions are applicable for the purpose of this Regional Permit:

A. **Navigable Waters:** All waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce.

B. **Ordinary High Water Mark:** The line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. For the purposes of this regional permit, the ordinary high water mark upstream from the Albeni Falls Dam is defined as elevation 2062.5 feet (National Geodetic Vertical Datum).

C. **Riparian Property:** Property bordering the shoreline of the lake or waterway. For the purposes of this regional permit, riparian property is that which borders the shoreline at the ordinary high water mark (elevation 2062.5 feet).

VI. PROCEDURE FOR OBTAINING APPROVAL

Individuals who want to construct an activity described in this Regional Permit must submit the following information to:

U.S. Army Corps of Engineers
Coeur d'Alene Regulatory Office

U.S. Forest Service Building
3815 Schreiber Way
Coeur d'Alene, Idaho 83814-8366

A. A completed application for a Department of the Army permit (Joint Application For Permit, Form NPW 304).

B. Sketches of the proposed project, including a plan view and a cross-section view.

C. A vicinity map, including a copy of the plat map showing the property where the work is proposed.

APPLICANTS ARE NOT AUTHORIZED TO BEGIN CONSTRUCTION UNTIL THEY RECEIVE WRITTEN VERIFICATION FROM THE CORPS OF ENGINEERS THAT THE WORK COMPLIES WITH THE REGIONAL PERMIT.

VII. CONDITIONS

The following General and Special Conditions must be followed:

A. GENERAL CONDITIONS:

1. Maintenance. You must maintain the activity authorized by this Regional Permit in good condition and in conformance with the terms and conditions. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 3 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

2. Historic properties. Any activity proposed on a known historic or archaeological property, either listed or eligible for listing in the National Register of Historic Places, will not be permitted if found not to be in compliance with the National Historic Preservation Act. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing on the National Register of Historic Places.

3. Transfer of permit. If you sell the property associated with this permit, the new owner shall request, in writing, that the permit be transferred to them.

4. Water quality certification. If a conditioned water quality certification has been issued for your project, you must

comply with the conditions specified in the certification as special conditions of this permit.

5. Inspections. You must allow representatives from this office to inspect the authorized activity any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

B. SPECIAL CONDITIONS

1. An Encroachment Permit from the Idaho Department of Lands must be obtained before commencing work on any activity authorized by this Regional Permit.

2. Activities not specifically authorized by this Regional Permit require a separate Department of the Army Permit.

3. Activities may not jeopardize any Federally listed, threatened or endangered species. All applications submitted under this Regional Permit, will be reviewed by the Corps of Engineers to determine if the work will have any effect on a listed species. If we determine a specific project may affect a listed species, we will initiate consultation with the responsible federal agency as required under Section 7 of the Endangered Species Act. For activities proposed on Warren Island, we will initiate consultation on all proposed projects located within one-quarter mile of an active bald eagle nest.

4. Use of structures authorized under this Regional Permit may not interfere with navigation.

5. Structures proposed within boundaries of the Albeni Falls Dam site, or on any Federal Government fee-owned lands, are not authorized under this Regional Permit.

6. The permittee must have the legal right to use and occupy the affected submerged land. An easement or lease of the submerged land may be required from the Seattle District of the Corps of Engineers.

7. All construction debris shall be disposed of in an upland location in a manner which precludes it from reentering waters of the United States, including wetlands.

8. Construction materials shall be natural or pressure treated using only those preservative chemicals registered for specific uses by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMP's) For the Use of Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute (WWPI), August 1994. Contact the Idaho Department of Health and Welfare, Division of Environmental Quality, with questions regarding treated materials.

VIII. FURTHER INFORMATION

A. Limits of this Authorization:

1. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
2. This permit does not grant any property rights or exclusive privileges.
3. This permit does not authorize any injury to the property or rights of others.
4. This permit does not authorize the interference with any existing or proposed Federal project.

B. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
3. Damages to persons, property or other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
4. Design or construction deficiencies associated with the permitted work.
5. Damage claims associated with any future modification, suspension, or revocation of this permit.

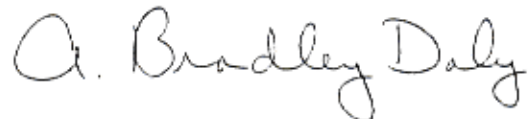
C. Reevaluation of Permit Decisions: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

1. You fail to comply with the terms and conditions of this permit.
2. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate.
3. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that

it is appropriate to use the suspension, modification, or revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

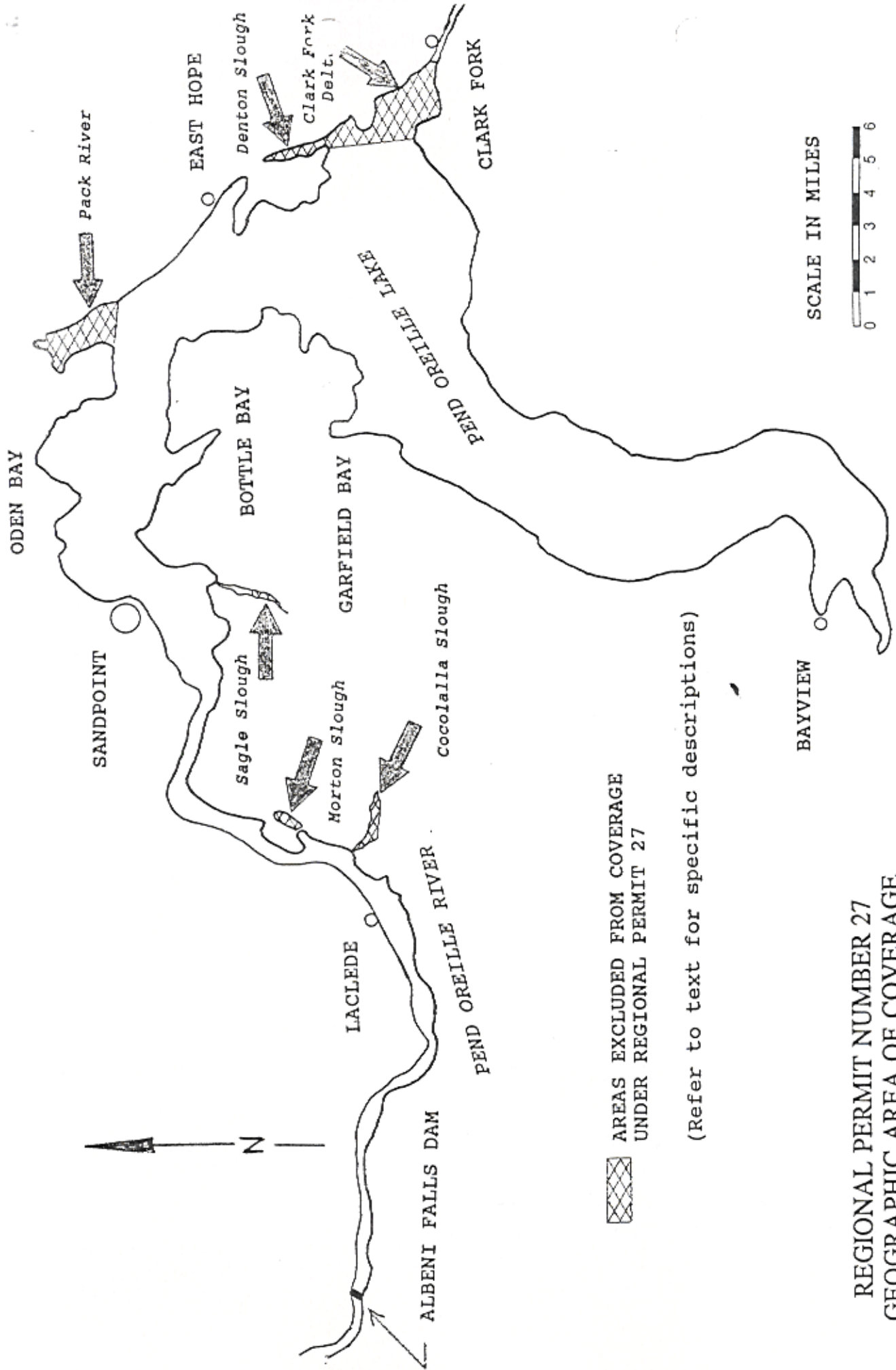
D. **Expiration:** This regional permit expires 5 years from the date of issuance and will be subject to public review prior to reissuance.

The permittee must comply with all conditions contained in this Regional Permit or the permit is not valid and a separate Department of the Army permit will be required to authorize the work.



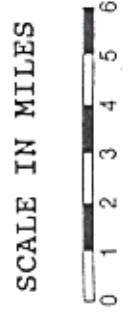
A. Bradley Daly
Chief, Regulatory Branch

Enclosures



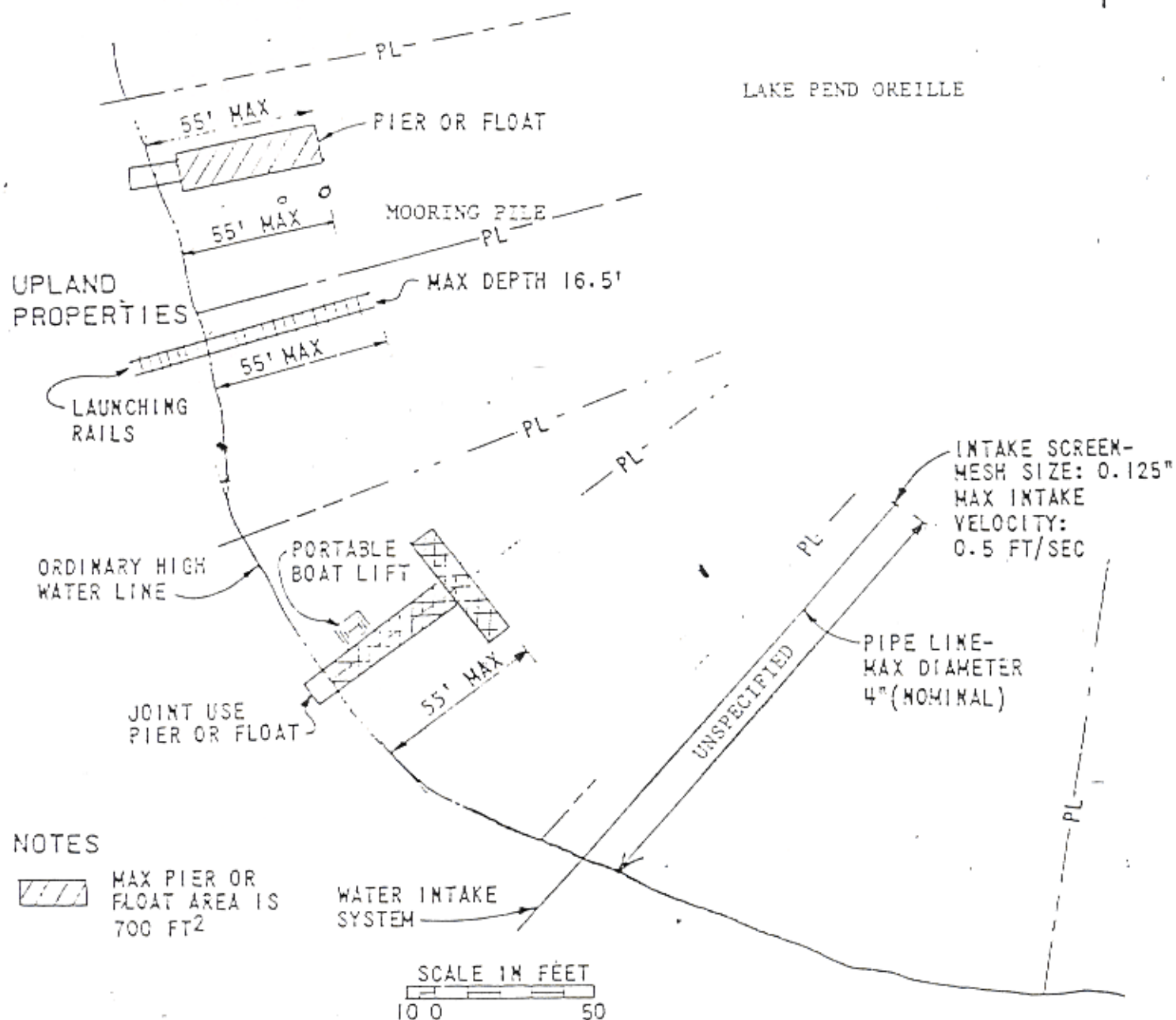
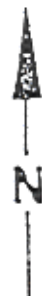
 AREAS EXCLUDED FROM COVERAGE
UNDER REGIONAL PERMIT 27

(Refer to text for specific descriptions)

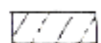


REGIONAL PERMIT NUMBER 27 GEOGRAPHIC AREA OF COVERAGE

SKETCH OF THE TYPICAL INSTALLATIONS



NOTES



MAX PIER OR
FLOAT AREA IS
700 FT²

WATER INTAKE
SYSTEM

SCALE IN FEET
10 0 50

PL --- PROPERTY LINE OF
SUBMERGED LANDS

ORDINARY HIGH WATER IS 2062.5 FEET N.G.V.D.

DEPTHS INDICATE FEET BELOW ORDINARY HIGH WATER

REGIONAL PERMIT
LAKE PEND OREILLE
NPW-RP-27